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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,456	03/26/2004	Cristopher Frost	H0006486-1170	9338

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EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,456

Applicant(s)

FROST ET AL.

Examiner

Aaron M. Dunwoody

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 13, 14 and 34-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-12, 15, 16, 18-22, 24-28, 30, 31 and 33 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 17, 23, 29 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/26/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claims 13, 14 and 34-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 7/21/2005.

Applicant's election with traverse of elected invention in the reply filed on 7/21/2005 is acknowledged. The traversal is on the ground(s) that the independent claims are generic to all species. This is not found persuasive because the disclosure of the instant application recites, "Figure 1 is a perspective view of turbomachine...Figure 2 is a cross-sectional view of pneumatic duct". A turbomachine is not a duct, and therefore the species are patentably distinct.

Further, the Applicant argues, "Applicants wish to point out that this traversal is not an admission that any or all of the cited species are not independent, nor that any or all of the cited species are not patentably distinct from one another." Essentially, the Applicant realizes that the species are patentably distinct.

Finally, for a claim to be considered generic, the claim must read on all species and a turbomachine does not read on the species Group II.

The requirement is still deemed proper and is therefore made FINAL.

Priority

No priority claimed.

Information Disclosure Statement

The information disclosure statement (IDS) filed 3/26/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 2407745, Jacobson.

In regards to claim 1, Jacobson discloses a joint for connecting a duct to a port comprising:

an annular flange (23), having a sealing flange disposed radially outward therefrom, the collar fixedly attached to the duct;

a female mating flange (A) , having female threads disposed internally thereon, the female mating flange fixedly attached to the port; and

an annular seat collar (B) having male threads disposed externally thereon; wherein the male threads are threadably attachable to the female threads; and

the annular seat collar having a surface contacting the sealing flange when the joint is assembled.

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In regards to claim 2, Jacobson discloses a bellows seal (C) sealingly positioned between the sealing flange and the female mating flange.

In regards to claim 7, Jacobson discloses the joint having a length of less than about 2.5 inches, and a diameter of less than about 1.1 inches greater than the diameter of the duct.

In regards to claim 8, Jacobson discloses the joint has a length of less than about 1.5 inches, and a diameter of about 1.0 inch greater than the diameter of the duct.

In regards to claim 9, Jacobson discloses 9. The joint according to claim 1, further comprising: a protuberance on a distal end, relative to the pod, of the female mating flange; and a radial face axially positioning the annular seat collar to contact the protuberance when the annular seat collar is threadably attached the port, thereby maintaining the working cavity length for the joint.

In regards to claim 10, Jacobson discloses a grip integrally formed with the annular seat collar, the grip allowing for a user to threadably mate the annular seat collar with the female mating flange, thereby assembling the joint.

In regards to claim 11, Jacobson discloses the duct being attached to the annular flange with a weld.

Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, the limitation of the duct being attached to the annular flange with a weld is given little patentable weight.

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In regards to claim 12, Jacobson discloses the pod is attached to the female mating flange by either a weld or by forming the port integrally with the female mating flange.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 15, 16, 18-22, 24-28, 30, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson in view of US patent 3799586, Caras et al.

In regards to claims 3 and 15, Jacobson discloses a low profile tension style flexible joint comprising:

an annular flange, having a sealing flange disposed radially outward therefrom, the collar fixedly attached to the duct;

a female mating flange, having female threads disposed internally thereon, the female mating flange fixedly attached to the port;

an annular seat collar having male threads disposed externally thereon;

a bellows seal sealingly positioned between the sealing flange and the female mating flange;

wherein the male threads threadably attach the female threads; and

the annular seat collar having a spherical portion contacting the sealing flange when the joint is assembled. Jacobson does not disclose a locking ring disposed over at

least a portion of a circumference of the female mating flange. Caras et al teaches a locking ring (32) disposed over at least a portion of a circumference of the female mating flange (13) to prevent the joint from disassembling (col. 3, lines 42-47). As Caras et al relates to a duct joint, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a locking ring disposed over at least a portion of a circumference of the female mating flange to prevent the joint from disassembling, as taught by Caras et al.

In regards to claims 4 and 16, Caras et al disclose the locking ring being disposed in a channel in the female mating portion.

In regards to claims 18 and 30, Jacobson discloses the joint has a length of less than about 1.5 inches and a diameter of about 1.0 inch greater than the diameter of the duct.

In regards to claim 19, Jacobson discloses a protuberance on a distal end, relative to the port, of the female mating flange; and a radial face axially positioning the annular seat collar to contact the protuberance when the annular seat collar is threadably attached the port, thereby maintaining the working cavity length for the joint.

In regards to claim 20, Jacobson discloses a grip integrally formed with the annular seat collar, the grip allowing a user to threadably mate the annular seat collar with the female mating flange, thereby forming the joint.

In regards to claim 21, Jacobson discloses the duct is attached to the annular flange with a weld; and the port is attached to the female mating flange by a weld or by forming the port integrally with the female mating flange.

In regards to claims 22, 31 and 33, Jacobson in view of Caras et al disclose a low profile tension style flexible joint comprising:

- an annular flange, having a sealing flange disposed radially outward therefrom, the collar fixedly attached to the duct;

- a female mating flange, having female threads disposed internally thereon, the female mating flange fixedly attached to the pod;

- a annular seat collar having male threads disposed externally thereon;

- a bellows seal sealingly positioned between the sealing flange and the female mating flange;

- a protuberance on a distal end, relative to the port, of the female mating flange;

- a radial face axially positioning the annular seat collar to contact the protuberance when the annular seat collar is threadably attached the port, thereby maintaining the working cavity length for the joint; and

- a locking ring disposed in a channel over at least a portion of a circumference of the female mating flange;

wherein the male threads threadably attach to the female threads', the annular seat collar having a spherical portion contacting the sealing flange when the joint is assembled; and the joint has a length of less than about 1.5 inches and a diameter of about 1.0 inch greater than the diameter of the duct.

In regards to claim 24, Jacobson discloses a grip integrally formed with the annular seat collar, the grip allowing a user to threadably mate the annular seat collar with the female mating flange, thereby assembling the joint.

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In regards to claim 25, Jacobson discloses the duct is attached to the annular flange with a weld; and the port is attached to the female mating flange by a weld or the female mating flange is integral with the port.

In regards to claims 26-28 and 30, Jacobson in view of Caras et al disclose the claimed invention except for the method of joining a duct to a port. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of joining a duct to a port, since under the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification, it can be assumed the device will inherently perform the same process. *In re King*, 802 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

Allowable Subject Matter

Claims 5, 6, 17, 23, 29 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody
Primary Examiner
Art Unit 3679

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